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09/717,262	11/22/2000	Takashi Shimada	1405.1027/JDH	1440
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STAAS & HALSEY LLP			EXAMINER	
SUITE 700			DOAN, DUYN MY	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/717,262

Applicant(s)

SHIMADA ET AL.

Examiner

DUYEN M. DOAN

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 0208.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This office action is in response to the submission filed on 1/22/2008. Claims 1-3,8-9 are amended for examination. Claims 4-7,10-15 are cancelled.

### ***Response to Arguments***

Applicant's arguments filed 1/22/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art does not teach, "classification of a channel...services in a queue category", examiner respectfully disagrees.

Examiner's claims' interpretation is under guideline, provided in the MPEP, "During patent examination, the pending claims must be "given \*>their broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05,162 USPQ 541,550-51 (CCPA 1969). "The words of a claim must be given their "plain meaning" unless they are defined in the specification. While the claims of issued patents are interpreted in

light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. > In re American Academy of Science Tech Center, \_\_\_ F.3d \_\_\_, 2004 WL 1067528 (Fed. Cir. May 13, 2004); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say." (Emphasis added). "It is only when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language. In re Vogel, 422 F.2d 438, 441, 164 USPQ 619, 622 (CCPA 1970). >See also Superguide Corp. v. DirecTVEnterprises, Inc., 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)".

The "classification of channel" since not being specifically defined in the specification, Applicant has pointed out the specification section (page.13 line 24 to page.14 line 14) that applicant said is the definition of the "classification of channel". However, examiner respectfully disagrees with the applicant, the pointed out section of the specification is merely the example of the "classification of channel", not the definition. Therefore, the examiner given the broadest, reasonable interpretation "the classification of channel" as "the type of transaction that the request belong", for example email, telephone, fax, web services etc...can be the different types (i.e. classification) of transaction (i.e. channel).

Again, applicant has pointed out the specification section (page.13 lines 10-24) as the definition "services in a queue category", however the section pointed out by the applicant is merely the example of the queue category not the definition. Since not being defined in the specification, examiner given the claimed limitation the broadest, reasonable interpretation as "the inbound request category or the outbound request category" or the QoS that the transaction are being assigned or it can be anything since the applicant has not define what it is, it is opened for interpretation. Dillip discloses a service processing system having multiple agents to process different types of transactions such as email, telephone, fax etc... wherein the transaction can be the inbound requests or outbound requests, the priority is given base on the transaction that the request belong such as telephone request is given a higher priority, and the email request is given a lower priority (see Dillips col.3, lines 48-67). Dillip further discloses that the priority is assigned based on the QoS requested by a transaction initiator (see Dillip col.14, lines 2-7). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

If the applicant wanted the examiner reads the "classification of channel" and "services in a queue category" as what applicant intended. Then, why not put that in the claim. Otherwise, claims must be given their broadest reasonable interpretation.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 8 cites, "computer readable storage medium" the disclosure as originally filed fail to provide proper antecedent basis for the above claimed "computer readable storage medium".

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 currently cites "a multi-channel...device comprising a process request determination unit...a non-real time processing administrating unit...a real-time processing allocation unit...a non-real-time processing allocation unit..." Is nonstatutory, since the claimed device is a system of software per se, failing to fall within a statutory category of invention. The steps of accepting...changing, administrating, allocating... may be done by the software alone, even though the claim cited plurality of units,

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however, consider the specification as a whole suggest that these units is simply a software modules to perform plurality of steps (see MPEP 2106.01)

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Dilip et al (us pat 6,704,409) (hereinafter Dilip).

**As regarding claim 1**, Dilip discloses a process request determination unit for accepting a plurality of process requests from a plurality of channels as communication unit between a user and call center (see Dilip col.4, lines 4-26, transaction processing system handle mixed transaction from customers) and determining whether any of the plurality of process requests from the plurality of channels are real-time process requests needing processing in real-time, or non-real-time process requests not needing processing in real-time (see Dilip col.3, lines 25-67, transaction processing system handle both real-time request and non-real-time request), the determining based on an indication of a classification

of a channel that generates said process requests (see Dilip col.5, lines 9-33, since the applicant has not specifically define what is the properties of a channel in his specification, the property of channels can be broadly and reasonably interpret as the type of service or the type of transaction that the request belong for example, email or telephone or fax) and based on services in a queue category (see Dilip col.4, lines 4-17; col.14, lines 1-7, since the applicant has not specifically define what is the queue categories, the queue categories can be broadly and reasonably interpret as the incoming and the outgoing transaction);

a non-real-time processing administrating unit for changing processing requests among processing requests determined to be the non-real-time processing requests to the real-time processing requests when data relating to clients as processing objects is predetermined client data, and for administrating other non-real-time processing requests with priority levels therefore (see Dilip col.14 lines 29-46, if the email approaching its QoS limit, the email will be change from non-real time (i.e. less priority) to real-time (i.e. higher priority) );

a real-time processing allocation unit for allocating process requests determined to be real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process (see Dilip col.14,lines 8-46, processing the real-time transaction (i.e. telephone transaction) has higher priority); and

a non-real-time processing allocation unit for allocating non-real-time processes administrated by said non-real-time processing administrating unit to any of the processing terminals, said allocation performed with consideration given to the priority level and to



suitability of the terminal for handling the process (see Dilip col.14, lines 8-46, processing the non real-time transaction (i.e. email) has lower priority).

**As regarding claim 2**, the limitations of claim 2 are similar to limitation of rejected claim 1, therefore rejected for the same rationale as claim 1.

**As regarding claim 3**, Dilip discloses allocating a non-real-time process request currently being administrated to a most appropriate processing terminal, based on the priority level of the request and suitability of available processing terminals capable of processing said non-real-time process request (see Dilip col.7, lines 42-54).

**As regarding claim 8**, limitations of claim 8 are similar to limitations of rejected claim 1, therefore rejected for the same rationale as claim 1.

**As regarding claims 9**, the limitations of claim 9 are similar to limitations of rejected claims 1, 8 and 12 above, therefor rejected for the same rationale as claims 1, 8 and 12 above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN M. DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner  
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5/9/2008

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